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PART V

Bills introduced in the Gujarat Legislative Assembly

The Following Bill Which Was introduced on the 09th March, 2021 by Shri Virjibhai Thummar, M.L.A. is published under rule 127-A of the Gujarat Legislative Assembly Rules for general information.

THE GUJARAT WAIVER OF MEDICAL EXPENSES FOR TREATMENT OF CHRONIC AILMENTS BILL, 2020.

GUJARAT BILL NO. 8 OF 2021.

A BILL

to provide for waiver of medical expenses for treatment of chronic ailments where unfortunate death of patient occurs and matters connected therewith and incidental thereto.

It is hereby enacted in the Seventieth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Waiver of Medical Expenses for Treatment of Chronic Ailments Act, 2019. Short title, extent and commencement.
- (2) It extends to the whole of the State of Gujarat.
- (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.
2. In this Act, unless the context otherwise requires, - Definitions
 - (a) "Empanelled Hospital" means Private Sector Hospitals notified by the Central or State Government Under the Ayushman Bharat - Pradhan Mantri Jan Arogya Abhiyan or Mukhya Mantri Amritum Yojna and includes any Hospital run by the State or Central Government, Municipal Corporation, Municipality, Panchayats, Hospitals under National Health Insurance Scheme, Hospitals run by a Public Trust registered under the Gujarat Public Trusts Act, 1950 and receiving grant from the Government.

- (b) “Chronic ailments” means such disease in which gravity of disease is severe namely any disease related to heart, kidney, cancer, brain stroke and fatal injury due to Accident, neonatal care and other disease as may be notified by the Government from to time.
- (c) “Insurance Coverage” means any health insurance (mediclaim) policy in the name of patient under which primary and tertiary care is covered and cashless treatment and Medical reimbursement of expense is allowed.

Entitlement of Free Treatment.

- 3.** In case of any chronic ailment, wherein the patient requires indoor treatment, he shall be entitled to all Hospitalization expenses coverage including treatment for medical conditions, primary and tertiary level of medical and surgical care treatment in the empanelled Hospitals irrespective of any income criteria:

Provided that in case where a person is covered under any insurance coverage the entitlement of claim receivable from any insurance company shall be deducted from the actual expense incurred on the treatment by the Hospital.

Waiver of expenses on treatment

- 4.** In case of chronic ailments, during the course of treatment if the patient does not survive even after all efforts, all expenses incurred on the treatment by the Hospital shall be waived by the Empanelled Hospital and the family member of the patient shall not be liable to pay the amount incurred by the Hospital for the treatment:

Provided that in case of insurance coverage the entitlement of claims receivable from any insurance company shall be required to be deposited to the Hospital as and when such amount is sanctioned and received by the family members.

Private sector Hospitals to be paid expenses by Government.

- 5.** In case where the empanelled Hospital is one of the private sector Hospital and where in case of medical expenses on treatment of patient in case of his death is waived under section 4, the actual amount incurred on treatment by the Hospital shall be reimbursed by the State Government to such Hospital after deducting any amount receivable from the insurance coverage. The expenses incurred by Government and other Hospitals shall be waived by the authority constituted under Section 6.

Constitution of Authority.

- 6.** The State Government shall appoint an authority consists of Commissioner of Health, Principal Secretary (Expenditure) in Finance Department and an officer of Health and Family Welfare Department not below the rank of Deputy Secretary for the purpose of effective implementation of the provisions of the Act and payment of dues to Hospitals in Private Sector declared as 'Empanelled Hospital'.

Funds

- 7.** The State Government shall provide fund at the disposal of Authority Constituted under section 6 for incurring expenses and payment of due to private Sector Hospitals.

Power to make rules.

- 8.** The State Government may by notification in official gazette frame rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

To deliver tangible health benefits on scale, the Central Government has introduced 'Ayushman Bharat Pradhan Mantri Jan Arogya Yojana' popularly known as 'Ayushman Bharat'.

It provides insurance based care delivery model to people at a coverage of rupees Five lacs per Family per years having annual income up to Five Lacs in Government as well as empanelled Hospitals.

In case of chronic ailments such as cancer, cardiac and respiratory disease, chronic kidney problem etc, the patient is required to undergo expensive treatment which is not within the reach of his family.

In view of income criteria the 'Ayushman Bharat' yojna does not provide total coverage in case of chronic ailment to every citizen. In case where after a prolong treatment a patient meets with death after all medical efforts, the payment of expenses on treatment leads to financial debt for his family.

With a view to give relief to the family in the moment of sorrow, it is considered necessary to wave the outstanding amount of Hospital Expenses in case of such chronic ailments.

Hence it is proposed to enact a law to achieve the aforesaid object.

Hence the Bill.

Dated the 26th February, 2020
Gandhinagar.

VIRJIBHAI THUMMAR
M.L.A.

FINANCIAL MEMORADUM

If the provision of the Bill is brought in to force it shell require to meet with the reimbursement of expenses born by the private sector Hospitals falling in the category of Empanelled Hospital. The exact amount on such expense cannot be worked out at present which is required to be charged on the Consolidated Fund of the State.

Dated the 26th February, 2020
Gandhinagar.

VIRJIBHAI THUMMAR
M.L.A.

MEMORENDUM REGARDING DELEGATED LEGISATION

This Bill involves legislative power in the following respects. Clause 8 of the Bill espouse the State Government to Frame rules for carrying out the purposes of the Act.

The delegation of legislative power as aforesaid is necessary and is of normal character.

**Dated the 26th February, 2020
Gandhinagar.**

**VIRJIBHAI THUMMAR
M.L.A.**

**Dated the 09th March, 2021
Gandhinagar**

**D. M. PATEL,
Secretary,
Gujarat Legislative Assembly.**
